

REMARKS

Lack of Unity

The Examiner contends that this application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Examiner has required applicants to elect a single invention to which the claims must be restricted.

Group I, claims 1-14, 21-22, drawn to a non-heterocyclic or heteroaromatic compound of formula (I) and its pharmaceutical composition:

wherein

n is 2, 3, 4, 5, 6, 7 or 8;

m is 0 or 1;

p₁ and p₂ are independently of each other 0 or 1;

R₁ and R₂ are independently of each other an unsubstituted or substituted aryl, cycloalkyl, alkylaryl, alkylcycloalkyl or when at least one of p₁ or p₂ is not O, R₁ or R₂ or both can also represent hydrogen or alkyl;

Group II, claims 1-14, 21-22 drawn to a heterocyclic compound or heteroaromatic compound of formula (I) and its pharmaceutical composition:

wherein

N is 2, 3, 4, 5, 6, 7 and 8;

m is 0 or 1;

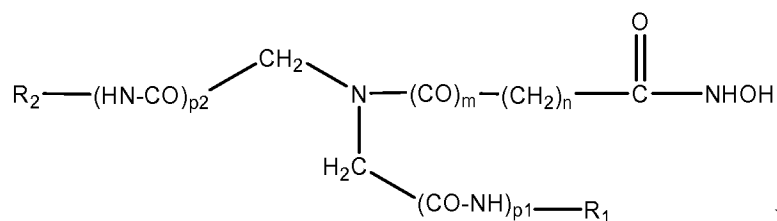
p₁ and p₂ are independently of each other 0 or 1;

R₁ and R₂ are independently of each other heteroaryl, heterocyclyl, alkylheteroaryl, alkylheterocyclyl; or when p₁ and p₂ are both 0, R₁ and R₂ together with the -CH₂-N-CH₂- group to which they are attached can also represent a nitrogen-containing heterocyclic ring;

Group III, claims 25-26 and 34-35, drawn to a method for treating cancer or tumor in a subject by administering the compound of the formula (I).

The Examiner contends that there is no technical relationship among those inventions involving one or more of the same or corresponding special technical features. The Examiner states that "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Applicants elect Group II (claims 1-14, 21-22) with traverse. First of all, the Examiner has not identified prior art to define which technical features of the claimed inventions makes over the prior art. Both the Group I and II inventions possess a core branched structure from a center nitrogen, which is connected directly or indirectly to a hydroxamic acid



which provides contribution over hydroxamic acid histone deacetylase inhibitors. Further, the division of Group I and II is not a reasonable restriction since the claimed invention also encompasses the possibility of R1 as heterocyclic or heteroaromatic, and R2 as non-heterocyclic or non-heteroaromatic, or vice-versa. Therefore, applicants request that the Examiner rejoin Groups I and II.

If a telephonic communication with the Applicants' representative will advance the prosecution of the instant application, please telephone the representative indicated below. Applicants believe no additional fees are due but the Commissioner is authorized to charge any fees required in connection with this amendment to Merck Deposit Account No. 13-2755.

Respectfully submitted,

By /Li Su, Reg. No. 45141/

Li Su

Registration No. 45,141

Attorney for Applicants

Merck & Co., Inc.

PO Box 2000 - RY 60-30

Rahway, New Jersey 07065-0907

Telephone No. (732) 594-5455

Date: August 5, 2010